

MacCord Mason

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TELEFAX COVER SHEET

TO:
Examiner Gary Jones

FROM:
Howard A. MacCord, Jr.

ORGANIZATION/FIRM:
U.S. Patent & Trademark Office

DATE:
December 14, 2001

FAX NUMBER:
(703) 746-5111

RECIPIENT'S PHONE NUMBER:

TOTAL # OF PAGES
(Including Cover): 4

YOUR E-MAIL ADDRESS:
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RE:
Serial No. 09/582,554

NOTES/COMMENTS:

Attached please find and accept the Response to Paper No. 5 that was mailed on October 26, 2001. The certificate of mailing is located at the bottom of page 2 of the Response.

Thank you.

Confidentiality Notice

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Telefax Operator

Assistant Commissioner for Patents
Washington DC 20231

Date: October 26, 2001
SN/Pat. No. 09/582,554
Filing/~~Issue~~ Date: June 28, 2000
Applicant/~~Inventor~~ Name: Tatsumi
(Add'l Patent Office)

Kindly acknowledge receipt of the accompanying items listed below
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| <input type="checkbox"/> Check for \$ _____ | <input type="checkbox"/> Brief |
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MacCord Mason PLLC - Docket No. 4629-006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Yoko TATSUMI, et al.

Examiner: D. Johannsen

Serial No.: 09/582,554

Art Unit: 1655

Filed: June 28, 2000

For: A SUBSTANCE HAVING AN APOPTOSIS-INDUCING ABILITY

Commissioner for Patents
Washington, DC 20231

RESPONSE TO PAPER NO. 5

Dear Sir:

Responsive to the Office Action mailed October 3, 2001, Applicant herein makes provisional election as required by the Patent and Trademark Office.

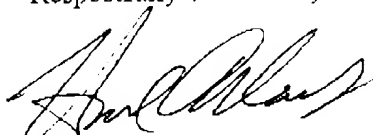
The Office Action required Applicant to elect a single species of compound "subjected to a heating treatment". Responsive to this requirement, Applicant elects ribose. Claims 1,2,6,14,15,16,20, and 25 are believed to read on that species.

The Office Action also required an election of a single species of substance having "an apoptosis-inducing ability". For this species, applicant elects 4,5-dihydroxy-2-pentenal. Claims 10,11,12,14, and 15 read on this species.

This election is made at the request of the Office Action; however, no such request is deemed to be needed, because Applicant is confident that the generic claims will be allowable, obviating the need to identify species. At any rate, this response is not related to the patentability but rather to the administrative processing of the Patent and Trademark Office and there is no narrowing of claims involved, so no file wrapper estoppel arises from this paper.

Examination on the merits is awaited.

Respectfully Submitted,



Howard A. MacCord, Jr.

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Date:

26 Oct 2001

File No.: 4629-006

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